HINDRANCE TO ENFORCEMENT VIOLATIONS
INSPECTOR'S STATEMENT

Company/Mine: Andalex Resources, Inc/Centennial Project
Permit #: C/007/019

NOV # N06-49-1-1
Violation # 1 of 1

A. **HINDRANCE TO ENFORCEMENT:** (Answer for hindrance violations only such as violations concerning record keeping, monitoring, plans and certification).

Describe how violation of this regulation actually hindered enforcement by DOGM and/or the public and explain the circumstances.

Explanation: Water Monitoring sites B261 and B362 were not monitored for third and fourth quarter 2005. Sites AC-1, SC-1 and B263 were not analyzed for TSS, Total Alkalinity, Ammonia, Settleable Solids, Lab pH, Oil & Grease, Total Hardness, Arsenic, Selenium, Acidity, Boron, Nitrate, and Lab Specific Conductivity, for second, third and fourth quarter 2005.

B. **DEGREE OF FAULT** (Check the statements which apply to the violation and discuss).

☐ Was the violation not the fault of the operator (due to vandalism or an act of God), explain. Remember that the permittee is considered responsible for the actions of all persons working on the mine site.

Explanation: _____

☐ Was the violation the result of not knowing about DOGM regulations, indifference to DOGM regulations or the result of lack of reasonable care, explain.

Explanation: _____

☐ If the actual or potential environmental harm or harm to the public should have been evident to a careful operator, describe the situation and what, if anything, the operator did to correct it prior to being cited.

Explanation: _____

☒ Was the operator in violation of any conditions or stipulations of the approved MRP?

Explanation: The water monitoring plan contianed in the approved monitoring plan requires monitoring of B261 and B362 , beginning August 19, 2005. A list of the parameters agreed to be analyzed is contained in the MRP on pages 7-6, 7-7, and Appendix L.

☒ Has DOGM or OSM cited a same or similar violation of this regulation in the past? If so, give the dates and the type of enforcement action taken.

Explanation: Yes, NOV NO N05-49-1-1 was issued 4/22/2005 for failure to monitor Stock Pond 31-2, AC-1, and B263 for fourth quarter 2004.

C. GOOD FAITH

1. In order to receive good faith for compliance with an NOV or CO, the violation must have been abated before the abatement deadline. If you think this applies, describe how rapid compliance was achieved (give dates) and describe the measures the operator took to comply as rapidly as possible.

Explanation: No abatement was required the violation occurred and the monitoring plan is part of the approved MRP.

2. Explain whether or not the operator had the necessary resources on site to achieve compliance.

Explanation: _____

3. Was the submission of plans prior to physical activity required by this NOV / CO? No If yes, explain.

Explanation: _____

Karl R. Houskeeper
Authorized Representative

Karl R. Houskeeper
Signature

January 18, 2006
Date

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